

By: Phillips (Senate Sponsor - Wentworth) H.B. No. 2139
(In the Senate - Received from the House May 13, 2005;
May 16, 2005, read first time and referred to Committee on
Transportation and Homeland Security; May 20, 2005, reported
favorably by the following vote: Yeas 6, Nays 0; May 20, 2005,
sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to certain agreements by the Texas Department of
Transportation involving pass-through tolls.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 222.104, Transportation Code, is amended
by adding Subsections (f), (g), and (h) to read as follows:

(f) To the maximum extent permitted by law, the department
may delegate the full responsibility for design, bidding, and
construction, including oversight and inspection, to a
municipality, county, regional mobility authority, or regional
tollway authority with whom the department enters into an agreement
under this section.

(g) An agreement under this section must provide that a
municipality, county, regional mobility authority, or regional
tollway authority is required to meet state design criteria,
construction specifications, and contract administration
procedures unless the department grants an exception.

(h) An agreement under this section should prescribe the
roles and responsibilities of the parties and establish time frames
for any department reviews or approvals in a manner that will, to
the maximum extent possible, expedite the development of the
project.

SECTION 2. Subchapter E, Chapter 222, Transportation Code,
is amended by adding Section 222.1045 to read as follows:

Sec. 222.1045. CONTRACTS OF CERTAIN PUBLIC ENTITIES. (a)
In this section, "public entity" means a municipality, county,
regional mobility authority, or a regional tollway authority.

(b) A public entity may contract with a private entity to
act as the public entity's agent in:

(1) the design, financing, maintenance, operation, or
construction, including oversight and inspection, of a toll or
nontoll facility under Section 222.104(b); or

(2) the maintenance of a state highway or a portion of
a state highway converted to a toll facility under Section
222.104(c).

(c) A public entity shall:

(1) select a private entity under Subsection (b) on
the basis of the private entity's qualifications and experience;
and

(2) enter into a project development agreement with
the private entity.

(d) A private entity selected shall comply with Chapter
1001, Occupations Code, and all laws related to procuring
engineering services and construction bidding that are applicable
to the public entity that selected the private entity.

(e) A public entity may assign the public entity's right to
payment of pass-through tolls under Section 222.104(b) or (c) to
the private entity.

SECTION 3. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2005.

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